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REMARKS

In the above-referenced FINAL Office Action, the Examiner rejected claims 1-3 and 7-10 under 35 U.S.C. §102(b) as being anticipated by Bruckner et al. (U.S. Patent 5,546,495). The Examiner also indicated that claims 4-6 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this Amendment AFTER FINAL, claims 3, 4, 8, 10 and 11 are canceled, and claims 1, 5-7, 9, 12 and 13 are amended. Claims 14-26 were previously withdrawn from consideration in the Response To Restriction Requirement filed June 17, 2003. Independent claim 1 is amended to include the patentable limitations of allowable claim 4 and dependent claim 3. Allowable claims 5 and 6 are each amended to incorporate the limitations of base claim 1. Independent claim 7 is amended to include the patentable limitations of allowable claim 11 and dependent claims 8 and 10. Dependent claim 9 is amended to provide proper dependency. Allowable claims 12 and 13 are each amended to incorporate the limitations of base claim 7 and claim 8.

Claim Rejections – 35 U.S.C. §102

Pursuant to paragraphs 1 and 2 of the above-reference Office Action, claims 1-3 and 7-10 stand rejected under 35 U.S.C. §102(b) as being anticipated by Bruckner et al. The Examiner asserts that Bruckner et al. discloses “a closure 10 comprising a housing 24 having internal cavity and a plurality of ports 78 opening into the internal cavity receiving a plurality of cable 14, and a fiber management frame including a support 36 for holding at least one optical fiber connection tray and a bias member including a pair of tension members 62 extending toward the support member 36 so as to define an acute angle with the support 36” and further teaches that “the second end [of the tension member 62] includes an upturned lip, which can be facilitated [sic: can facilitate] lifting of the tension member 62.” Applicants respectfully traverse the rejection for at least the following reasons.

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Bruckner et al. discloses a splice tray cabinet 10 defining an interior cavity for receiving one or more splice tray racks 22 that support a plurality of optical fiber splice trays 26. The splice tray rack 22 comprises a plurality of horizontally disposed shelves 36 having a support surface 36 that extends from the back panel 38 to a lip 48 projecting upwardly from support surface 36. As stated beginning at column 3, line 53:

Each splice tray 26 is held in a tray receiving region 50 by a resilient member 52 defining a compressible tray-engaging surface opposing and spaced from lips 48 a distance less than the width of the splice tray 26 and acting generally parallel to support surface 46. ... When a splice tray 26 is positioned within the receiving region 50, sponges 52, 52a undergo local deformation along the end 56 of the splice tray and exert a force on splice tray 26 that pushes it against the lip 48, thereby holding the splice tray 26 in place.

And at column 4, lines 18-24:

Referring to FIGS. 1 and 4, a pair of safety straps 62 is incorporated into splice tray rack 22 for *overwrapping* splice trays therein to prevent inadvertent dislodging of the splice trays. Rearward ends of safety straps 62 extend through a top slot 64 and a bottom slot (not shown) in back panel 38, thereby *encompassing* the splice trays, and are releasable to provide access to the splice trays. (Emphasis added).

Thus, contrary to the Examiner's assertion, the second end of the safety straps 62 disclosed in Bruckner et al. *does not* include an upturned lip that can facilitate lifting of the tension member 62 relative to the splice tray 26.

Independent claim 1 has been amended to include the patentable limitations of allowable claim 4 and intervening claim 3. Thus, claim 1 is patentable. Claim 2 depends directly from patentable base claim 1, and thus, is likewise allowable for at least the same reasons. Claim 3 is canceled. Independent claim 7 has been amended to include the patentable limitations of allowable claim 11 and intervening claims 8 and 10. Thus, claim 7 is patentable. Claim 9 depends directly from patentable base claim 1, and thus, is likewise allowable for at least the same reasons. Claims 8 and 10 are canceled. Accordingly, Applicants respectfully request the

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Examiner to withdraw the rejection of claims 1-3 and 7-10 under 35 U.S.C. §102(b).

Allowable Subject Matter

Pursuant to paragraph 3 of the Office Action, claims 4-6 and 11-13 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the corresponding base claim and any intervening claims. The limitations of allowable claim 4 have been incorporated into patentable base claim 1. Claims 5, 6 have been rewritten in independent form including all of the limitations of the original base claim 1. Likewise, claims 12 and 13 have been rewritten in independent form including all of the limitations of the original base claim 7 and intervening claim 8. With regard to claims 5 and 12, the second end of the flexible safety straps 62 *does not* comprise an upturned lip to facilitate lifting of the safety strap. As best shown in FIG. 1, only a portion of the safety straps 62 is illustrated in FIGS. 1 and 4. The safety straps 62 are cut-off for purposes of clarity, and it is merely coincidental that the upper safety strap 62 shown in FIG. 4 *appears* to comprise an upturned lip at its second (i.e., truncated) end. In actuality, one or both of the safety straps 62 must be *flexible* and *substantially longer* in order to encompass the plurality of splice trays 26. The support 36 arguably comprises an upturned lip 48, however, the lip 48 does not facilitate lifting of the safety strap 62. Therefore, claims 5 and 12 are patentable for at least this reason.

Claims 1, 2, 5-7, 9, 12 and 13 are patentable for at least the reasons stated herein. Claims 3, 4, 8, 10 and 11 are canceled. Claims 14-26 were previously withdrawn from consideration. As a result, this Amendment AFTER FINAL places the application in condition for immediate allowance. Accordingly, Applicants respectfully request the Examiner to issue a Notice of Allowability for the pending claims.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims 1, 2, 5-7, 9, 12 and 13 are patentable and that the application is in condition for immediate allowance. This Amendment AFTER FINAL is being timely filed and no new claims are presented for examination. Thus, no fees are believed to be due. Regardless, the Examiner is authorized to charge any required fees, including any fee for excess claims or any fee for an extension of time not already accounted for, to Deposit Account No. 19-2167. The Examiner should credit any overpayment of fees to Deposit Account No. 19-2167.

The Examiner is encouraged to telephone the undersigned directly to discuss the merits of this application and thereby resolve any outstanding issues in order to expedite passage of the application to allowance.

Respectfully submitted,



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